

temporarily impound a total of 894,000 acre-foot of water near Auburn, constructing 24 miles of seepage cutoff in the levees along the lower American River, and raising and stabilizing 12 miles of Sacramento River levees in Natomas. About 1,533 acres of vegetation would be lost due to construction and operation of this plan.

This DSEIS/SDEIR has been prepared to fulfill the requirements of the National Environmental Policy Act and the California Environmental Quality Act. The overall analysis considered an array of alternative plans developed to meet the primary planning objective of improving flood protection for the City of Sacramento while avoiding or minimizing adverse environmental and related impacts to the maximum extent practicable. This document does not recommend a plan. The State and SAFCA will identify their Recommended Plan following receipt of comments on this document.

PUBLIC HEARINGS: The following public hearings have been scheduled to receive comment and testimony on the DSEIS/SDEIR.

- September 26, 1995, 6 p.m. at the Grand, 1215 J Street, Sacramento.
- September 27, 1995, 6 p.m. at Folsom Community Center, 52 Natoma Street, Folsom.
- September 28, 1995, 6 p.m. at Multi-Purpose Senior Center (Burbank Hall), 11586 D Street, Auburn.

FOR FURTHER INFORMATION CONTACT: Comments concerning the DSEIS/SDEIR should be received by October 2, 1995 and should be addressed to: U.S. Army Corps of Engineers, Sacramento District (Attn: Mr. Michael Welsh, CESPK-PD-R), 1325 J Street, Sacramento, California 95814-2922, (916) 557-6718.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

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BILLING CODE 3710-EZ-M

DEPARTMENT OF EDUCATION

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics, Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This

document is intended to notify the general public of their opportunity to attend.

DATE AND TIME: September 20, 1995, 1:00 p.m.-5:00 p.m.; September 21, 1995, 9:00 a.m.-5:00 p.m.; September 22, 1995, 9:00 a.m. to the conclusion of business, approximately 2:00 p.m.

ADDRESSES: 555 New Jersey Avenue NW., Room 326, Washington, D.C. 20208.

FOR FURTHER INFORMATION CONTACT:

Barbara Marenus, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, D.C. 20208-7575, telephone: (202) 219-1839.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics (ACES) is established under Section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement and is responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. In addition, ACES is required to advise the Commissioner of NCES and the National Assessment Governing Board on technical and statistical matters related to the National Assessment of educational progress (NAEP). The meeting of the Council is open to the public.

The proposed agenda includes the following:

- An orientation for new members of NCES's data collection program.
- A discussion of draft ACES guidelines on standards-based reporting.
- NCES's adjudication process.
- An overview of the National Assessment Governing Board's role and responsibilities.
- Council operations including the establishment of subcommittees.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW., Room 400J, Washington, D.C. 20208-7575.

Sharon P. Robinson,

Assistant Secretary for Education Research and Improvement.

[FR Doc. 95-20470 Filed 8-17-95; 8:45 am]

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DEPARTMENT OF ENERGY

Office of General Counsel

Final Consent Order With Occidental Petroleum Corporation

AGENCY: Department of Energy.

ACTION: Final action on proposed consent order.

SUMMARY: The Department of Energy (DOE) has determined that a proposed Consent Order between the DOE and Occidental Petroleum Corporation, including its wholly owned subsidiary OXY USA Inc. which was formerly Cities Service Oil and Gas Corporation, successor in interest to Cities Service Company (collectively, Occidental), shall be made a final order of the DOE as proposed. The Consent Order resolves matters relating to Occidental's compliance with the federal petroleum price and allocation regulations administered and enforced by DOE during the period October 1, 1979 through January 27, 1981. The Consent Order requires Occidental to pay \$100,000,000 to the DOE within thirty (30) days of the effective date of the Consent Order, and five annual payments of \$35,000,000 plus interest on the installment balances of 7.6% per annum. Persons claiming to have been harmed by Occidental's overcharges will be able to present their claims for refunds in an administrative claims proceeding before the Office of Hearings and Appeals (OHA). The decision to make the Occidental Consent Order final was made after a full review of written comments from the public.

FOR FURTHER INFORMATION CONTACT: Diana D. Clark, Office of General Counsel, Mail Code GC-33, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 523-3045.

SUPPLEMENTARY INFORMATION:

I. Introduction

On July 6, 1995, DOE issued a Notice announcing a proposed Consent Order between DOE and Occidental which would resolve matters relating to Occidental's compliance with the federal petroleum price and allocation regulations during the period October 1, 1979 through January 27, 1981. 60 FR 35186. That Notice summarized the proposed Consent Order, which requires Occidental to pay a total principal amount of \$275,000,000, plus interest on five annual installment payments.

The July 6 Notice supplied information regarding Occidental's potential liability for violations of the Crude Oil Entitlements Program

reporting regulations. These issues are pending before the OHA in Case No. LRO-0003, in which the DOE is seeking nearly \$254 million plus prejudgment interest of \$915 million.

The Notice also enumerated the considerations which underlay DOE's preliminary view that the settlement is favorable to the government and in the public interest. The Notice solicited written comments from the public relating to the terms and conditions of the settlement and whether the settlement should be made final.

II. Comments Received

Seven written comments were received, three of which, by the terms of their submission, were not considered.¹ The California Attorney General and the Governor of Oklahoma both expressed the view that the proposed settlement was in the public interest and urged DOE to effect the Consent Order as proposed. The American Petroleum Institute provided no specific comment on the proposed Consent Order with Occidental, but generally endorsed the resolution by such agreeable means as settlement of the cases arising out of the price and allocation regulatory controls.

The fourth comment, submitted by various states, expressed no view on the bases of the proposed settlement or the adequacy of the settlement amount. Rather, those particular states pointed out that the settlement would principally resolve alleged violations related to crude oil transactions and therefore, under the Final Settlement Agreement in the *Stripper Well Exemption Litigation*, M.D.L. No. 378 (D. Kan.), 40% of the moneys received from Occidental must be paid to the 56 states, territories and insular possessions pursuant to that 1986 agreement.

The Consent Order requires that the Office of General Counsel petition the OHA to implement a proceeding under 10 CFR Part 205, Subpart V, with regard to all the funds received from

Occidental pursuant to the settlement. That disposition is consistent with the Final Settlement Agreement, under which DOE issued a Modified Restitutionary Policy Statement. 51 FR 27899 (August 4, 1986). The settlement with Occidental contemplates application of the 1986 policy statement inasmuch as the Consent Order calls for a Subpart V proceeding for the disposition of the funds, which are recognized by DOE to be crude oil-related.² Accordingly, it appears the expressed concern is appropriately addressed by the Consent Order.

The written comments did not afford any information that would warrant consideration of modification or rejection of the proposed Consent Order with Occidental.

Accordingly, DOE concludes that the Consent Order is in the public interest and should be made final.

IV. Decision

By this Notice, and pursuant to 10 CFR 205.199J, the proposed Consent Order between Occidental and DOE, executed on June 27, 1995, is made a final order of the Department of Energy, effective the date of publication of this Notice in the **Federal Register**.

Issued in Washington, D.C., on August 14, 1995.

Eric J. Fygi,

Deputy General Counsel.

[FR Doc. 95-20555 Filed 8-17-95; 8:45 am]

BILLING CODE 6450-01-P

Golden Field Office; Notice of Federal Assistance Award to University of Wisconsin

AGENCY: Department of Energy.

ACTION: Notice of Financial Assistance Award in response to an Unsolicited Financial Assistance Application.

SUMMARY: The U.S. Department of Energy (DOE), pursuant to the DOE Financial Assistance Rules, 10 CFR 600.14, and under authority of section 2104 of the Energy Policy Act of 1992, 42 U.S.C. 13454, is announcing its intention to enter into a cooperative agreement with the University of Wisconsin (UW), to perform the research necessary for the construction and testing of a fully integrated pilot-scale polyoxometalate bleaching facility. The UW project represents an

innovative, commercially viable technology that will result in waste reduction and decreased energy usage.

ADDRESSES: Questions regarding this announcement may be addressed to the U.S. Department of Energy, Golden Field Office, 1617 Cole Blvd., Golden, Colorado 80401, Attention: John Motz, Contract Specialist. The telephone number is 303-275-4737.

SUPPLEMENTARY INFORMATION: The DOE has evaluated the unsolicited application according to paragraphs 600.14 of the DOE Assistance Regulations, 10 CFR 600, and the criteria for selection in paragraph 600.14 (e)(1). Based on this evaluation, it is recommended that the unsolicited application for Federal Assistance entitled, "Polyoxometalate Bleaching: An Efficient, Oxygen-Based, Closed Mill Technology," submitted by UW, be accepted for support. This award will not be made for at least 14 days, to allow for public comment.

Under this cooperative agreement, UW will seek to duplicate the action of the selective agents used by wood rotting fungi to degrade lignin. The fungi use highly selective enzymes which rely on oxygen as the primary oxidant. The key to success in the UW program has been the identification of a class of agents, the polyoxometalates, which can be as selective as the enzymes with respect to their oxidative action, but which are also robust enough to use at elevated temperatures so that industrially feasible rates of reaction can be achieved. Furthermore, since they consist of metal oxides in their highest oxidation states, they possess the stability that is prerequisite for the use of catalytic systems in industrial processes. Finally, and perhaps most importantly, the spent polyoxometalate agents, which have been reduced during the bleaching stage, can be reoxidized with oxygen in a separate stage operated under conditions aggressive enough to completely mineralize all of the organic materials solubilized during bleaching. This would allow UW to achieve a primary goal of the pulp and paper industry, an effluent-free mill.

The proposal has been found to be meritorious, and it is recommended that the unsolicited application be accepted for support. The UW program represents an innovative, commercially viable technology that will result in waste reduction and decreased energy usage. UW has demonstrated capabilities in the technologies directly related to the proposed project and personnel that should provide a basis for a successful project. The proposed project is not

¹ A group of utilities, transporters and manufacturers (UTM) commented upon the prospective settlement in a July 17, 1995 letter sent to DOE, and that letter was treated as a comment responsive to the July 6 Notice seeking comment on the proposed settlement with Occidental. Occidental thereafter submitted a reply addressing the points raised by UTM. UTM then requested that its correspondence be "withdrawn from the Consent Order file." Although UTM's letter, along with a copy of Occidental's reply to UTM, will remain available to the public, consistent with UTM's request DOE has not considered it in determining whether to make the Consent Order final. As Occidental requested that DOE consider its reply to UTM only if UTM's letter was considered in determining final action on the proposed Consent Order, neither has DOE considered Occidental's reply to UTM.

² Moreover, since the 1986 Final Settlement Agreement, all moneys recovered by DOE in connection with resolution of alleged petroleum overcharges have been subject to the Subpart V process, and in every instance of crude oil-related recoveries the states have received 40% of the recovered moneys.